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# Butler's Distinction Defended: The Nonindexical Context-Sensitivity of 'Identity'\*

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## Abstract

In *The Analogy of Religion*, Joseph Butler drew a substantial distinction between identity in the loose and popular sense and identity in the strict and philosophical sense. This distinction—I will call it 'Butler's distinction'—seems to reflect our everyday speech involving identity-judgments and seems to be useful when the truth-values of identity-sentences are in question. However, Butler's distinction has received little attention from philosophers, with a few exceptions, such as Roderick Chisholm and Donald Baxter. In this paper, I argue that Butler's distinction can be defended appropriately in terms of nonindexical contextualism, according to which an expression has the same intension in any contexts, while its extension is sensitive with regard to the circumstances of evaluation of the contexts. Applying this semantic theory to the expression 'identity' with the help of Chisholm/Baxter's ideas, that is, adding a standard of counting into the circumstances of evaluation of the truth-values of identity-sentences allows us to resolve some questions and difficulties regarding Butler's distinction. What this implies is that the distinction has not only the initial intuitive appeal, but also the semantic ground supported by the nonindexical context-sensitivity of 'identity'. After pointing out that a standard of counting is often given by sortal concepts and that the combination of the nonindexical context-sensitivity of 'identity' with the constitution view is thus very coherent, I conclude the paper by suggesting some consequences on the issues of sortal-relative identity and composition as identity.

Keywords: identity, Butler, nonindexical contextualism, counting, sortal concepts

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## 1 Introduction: Three Questions

In *The Analogy of Religion*, Joseph Butler famously drew a substantial distinction between two types of ‘identity’: Identity in the Loose and popular sense (hereinafter LI) and Identity in the Strict and philosophical sense (hereinafter SI). This distinction—I will call it ‘Butler’s distinction’—seems to reflect our everyday speech, e.g. “The river is *identical* with the river where we took a dip yesterday. This is true in one sense; but they are not, strictly speaking, *identical* with each other because they have different properties and components”. Clearly this utterance is not false but true for competent language users, so Butler’s distinction naturally seems useful when the truth-values of identity-sentences are in question. The sharp distinction between LI and SI may also contribute to a proper comprehension and even an effective solution of some philosophical problems involving identity, such as the metaphysical issues of relative identity, composition as identity, personal identity, and so forth. Nevertheless, aside from a few exceptions, this distinction has received little attention or has been hardly taken seriously in philosophical discussions. This is probably because it is by no means free from some questions that are not easy to answer.

In my view, the following three questions, especially with regard to LI, are raised in defending Butler’s distinction:

- (1) Are there two types of identity, namely LI and SI?
- (2) Can sentences to which LI is ascribed take on truth as truth-value? If they can, how?
- (3) Is that ‘ $\alpha$  is identical with  $\beta$ ’, to which LI is attributed, is true compatible with that ‘ $\alpha$  is identical with  $\beta$ ’, to which SI is attributed, is false?’<sup>\*1</sup>

These questions are not intended to be completely exhaustive; there may be a number of questions to answer about other than listed above. But Butler’s distinction cannot be defended, until we explore and elucidate what it means to distinguish LI from SI, what ontological or semantic role LI performs and what relationship holds between LI-sentences and SI-sentences, and thereby answer at least each (1)-(3). Unfortunately, Butler had little to say concerning how to answer the three crucial questions. Thus in order to develop Butler’s distinction into a live and useful philosophical position worth defending, we need to discuss, apart from historical contexts, on what grounds Butler *could have established a defense of his distinction*.<sup>\*2</sup>

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<sup>\*1</sup>  $\alpha, \beta$  are metalinguistic variables that range over referring terms in our natural languages.

<sup>\*2</sup> Butler comments on the distinction between LI and SI as follows: “[T]he word *same*, when applied to them [vegetables] and to persons, (...) is also used in different senses. (...) In a loose and popular sense, then, the life, and the organization, and the plant, are justly said to be the same, notwithstanding the perpetual change of the parts. But in a strict and philosophical manner of speech, no man, or no being, no mode of being, nor any thing, can be the same with that, with which it hath indeed nothing the same. Now sameness is used in this latter sense when applied to persons”

In this brief paper, I will put forward the claim that Butler's distinction can be defended with the least difficulty in terms of 'nonindexical contextualism',<sup>\*3</sup> according to which an expression has the same intension in any contexts, while its extension is sensitive with regard to the circumstances of evaluation of the contexts. Applying this idea to the expression 'identity', I argue, each question mentioned above can be answered in an appropriate manner. It follows that the distinction between LI and SI not only has initial intuitive appeal, but also is based upon the tenable semantic analysis that causes little trouble relevant to identity per se and brings about a better understanding of some controversial 'identity' issues. My aim is therefore to articulate the nonindexical contextualist approach to 'identity' in order to defend Butler's distinction and then to indicate some noteworthy implications of this.

The paper is structured as follows: In § 2, I examine two types of interpretation, i.e., Chisholm's and Baxter's; in §3, appealing to the combination of their developed interpretations with the nonindexical context-sensitivity of the expression 'identity', I present a new view on Butler's distinction; in §4, I work out the details and conclude with two suggestions especially about sortal-relative identity and composition as identity that the distinction can be defended.

## 2 Two Types of Interpretation: Chisholm and Baxter

Before we examine the main point, let us suppose that some innocent children and some philosophers who respect Heraclitus come to the same place and make the following utterances:

- (4) [The children say] "The river is *identical* with the river where we took a dip yesterday".
- (5) [The philosophers say] "The river is *not identical* with the river where we took a dip yesterday".

In this case, the expression 'identical' in (4) and '(not) identical' in (5) are clearly related to LI and SI respectively, and (4) and (5) share the linguistic terms i.e., both 'the river' and 'the river where we took a dip yesterday'. But LI is attributed to them in (4), while SI is not attributed in (5). How can we explain this difference? To answer this question, it helps to see how Butler's distinction has been interpreted. Let me

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(Butler (1995), pp. 389f.). From a historical perspective, what Butler tries to discuss by using his distinction is mainly concerned with the concept of *persons*, whose identity had been one of the biggest questions at stake since John Locke. According to Butler, personal identity expresses SI; it can make no room for changes in parts or properties. As Udo Thiel describes, "For Butler, adopting the strict notion of identity means that he has to introduce the notion of an unchanging substance [such as a Cartesian soul] to rescue the notion of personal identity" (Thiel (2011), p. 268). It hence seems to me that Butler's aim to introduce his distinction is limited: to rebut Locke's account of persons and their identity, and thereby to advocate the Cartesian dualism.

<sup>\*3</sup> This term is coined by MacFarlane (2009), in which he does not defend nonindexical contextualism, but only suggests it. This position can be called 'perspectival semantics' (by Brogaard (2008)), 'genuine relativism' (by Kölbel (2004)), or 'strong moderate relativism' (by Recanati (2007)).

sum up two ideas of the main interpreters, Roderick M. Chisholm and Donald L. M. Baxter, on the difference between (4) and (5) and make a brief examination of them.

On the one hand, Chisholm construes the distinction between LI and SI “as saying, not that there is a loose kind of identity, but rather that there is a loose sense of ‘identity’—a loose (and popular) use of the ‘is’ of identity”.<sup>\*4</sup> According to him, our everyday speech including LI, such as (4), contains many “misuses”<sup>\*5</sup> of the expression ‘identity’, since ‘identity’ in (4) expresses not identity but another relation which violates the principle of the indiscernibility of identicals. Despite this, we often misuse or play with the expression ‘identity’ in everyday cases. Chisholm hence concludes that Butler’s distinction is concerned with whether you use ‘identity’ in strict ways, or you play with ‘identity’ in loose ways, that is, misuse it.

Baxter ascribes the distinction between LI and SI, on the other hand, to *a shift of two standards of counting*.<sup>\*6</sup> In the case of (5), there is a strict standard of counting, by which the river of today and the river of yesterday are counted up as two things having different properties or parts. Given a loose standard of counting, however, they can be counted up as one thing, i.e., one persistent river, as is shown by (4). Baxter argues that this usual counting comes from a loose standard of counting, by virtue of which the use of LI can be appropriate. Therefore it does not make sense to ask which standard of counting is genuine, because the fact that we shift the standard at different situations suggests that the shift depends upon the situations when applying a standard of counting to things.

Let me examine both interpretations. First, with Chisholm’s interpretation I agree in one respect: that Butler’s distinction comes not from two kinds of identity but from two kinds of use of the expression ‘identity’. But my reason for the claim is different from Chisholm’s. If the expression ‘identity’ in (4) expresses a loose kind of identity which is committed to a violation of the principle of the indiscernibility of identicals or is not even an equivalence relation, what it ultimately means is that (4) does not actually express identity which is the equivalence relation anchored by the principle. Since a loose kind of identity seems to be not even identity but only one of many unremarkable relations other than identity, it is hardly worth the name and thus it is unclear how (4) counts as true.<sup>\*7</sup> As I see it, (4) is the utterance to which the genuine identity is simply attributed as LI, although the rationale for this position will be explained in §3, where I argue that the expression ‘identity’ in (4) expresses identity per se so that the use of LI never posits a new but different kind of identity from the relation requiring the indiscernibility of the relata. It would be enough at this point to get a grip on the difference between two types of identity, which is of no practical use in the explanation of truth-values of identity-sentences. Hence, following Chisholm’s lead, I regard Butler’s distinction as a matter not of the types of identity but of *our linguistic uses*, which enables us to

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<sup>\*4</sup> Chisholm (1976), p. 92.

<sup>\*5</sup> *Ibid.*, p. 93.

<sup>\*6</sup> See Baxter (1988).

<sup>\*7</sup> See also Hirsch (1995); Gallois (1998), pp. 193ff.

give the following answer to (1): “No, there is only one relation of identity because the distinction is just due to two ways of using the expression ‘identity’ which has a univocal relation”.

In spite of the fact that Chisholm is free from positing the alleged kind of identity, however, he regards the utterance of (4) as a “misuse” of the expression ‘identity’. This is an extravagant claim. In our every speech, many propositions expressed by utterances including LI such as (4) are seen not as false but as true. This suggests that our use of LI is not a misuse—whose implication is that “you should not have used it, because it is based on your misunderstanding”—but only a use in loose ways. If our common assignment requires the propositions expressed by sentences including LI to be true at all, we should reject one part of Chisholm’s analysis, i.e., his error theory about LI, which leads to a biased result at odds with our intuition.<sup>\*8</sup> This means that even if the second question of (2) remains unanswered, it is very natural and intuitive to answer the first question of (2) as follows: “Yes, sentences to which LI is ascribed can and even must, in many cases, take on truth as truth-value”.

Second, I agree with Baxter’s interpretation to the extent that Butler’s distinction can be explained aptly in terms of a shift of two standards of counting. This view alone, however, cannot prevent us from granting two relations of identity, if two types of counting are closely connected to two types of identity. In order to avoid this problem, then, Baxter’s claim needs to be underpinned by a claim that excludes two types of identity, such as Chisholm’s: what a loose standard of counting is applied to is not identity but a use of the expression ‘identity’. According to this hybrid account, the reason that no problem arises in using ‘identity’ loosely in (4) is that our children in that situation set a loose standard of counting which is easier to meet accurately than a strict one. The issue of whether the expression ‘identity’ is used in a right way thus depends upon which standard of counting is imposed and met.

Our hybrid claim would give an answer to (3): is that  $\ulcorner \alpha \text{ is identical with } \beta \urcorner$ , to which LI is attributed, is true compatible with that  $\ulcorner \alpha \text{ is identical with } \beta \urcorner$ , to which SI is attributed, is false? The answer is as follows: “Yes, they are compatible because a shift of standards of counting can be made due to a variety of situations where the expression ‘identity’ is used. It follows that we can attribute LI on loose counting to ‘the river’ and ‘the river where we took a dip yesterday’ to which we never attribute SI on strict counting”. Our essential claim is that the difference of situations between (4) and (5) allows us to determine which standard, loose or strict, is appropriate.

As stated above, we can solve several problems in Butler’s distinction by building Baxter’s idea into Chisholm’s. A fundamental question, however, is left open: what is it that shifts the standard of counting? That is not difficult to answer: it depends on the situation. But exactly how? Unless we provide a proper explanation for how the situation where the expression ‘identity’ is used brings about the corresponding standard of counting, it is hardly enough to support the Chisholm/Baxter account in favor of the distinction

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<sup>\*8</sup> The reason Chisholm takes the use of LI to be a misuse is that he endorses a metaphysical claim called *mereological essentialism*, according to which “every whole has the parts that it has necessarily” (Chisholm (1976), p. 145).

LI and SI. In the following, I will explicate a mechanism for shifting the standards of counting so that it can give an answer to the second half of (2): how can sentences to which LI is ascribed take on truth as truth-value?

### 3 The Nonindexical Context-Sensitivity of ‘Identity’

Bearing the Chisholm/Baxter account in mind, in this section I will suggest that an answer to (2) can be given by nonindexical contextualism. Before applying it to ‘identity’, we need some preliminary explanation.

First, what is the difference between the indexicality and the context-sensitivity of an expression? This distinction can be made, following John MacFarlane, as follows:<sup>\*9</sup>

- (6) An expression *E* is indexical if and only if its intension at a context *c* depends upon features of *c*.<sup>\*10</sup>
- (7) An expression *E* is context-sensitive if and only if its extension at a context *c* depends upon features of *c*.

Applying this distinction to the level of sentences, the difference between (6) and (7) would be made clearer:

- (8) A sentence *S* is indexical if and only if its proposition at a context *c* depends upon features of *c*.
- (9) A sentence *S* is context-sensitive if and only if its truth-value at a context *c* depends upon features of *c*.

Along similar lines, second, consider the role of contexts of use in David Kaplan’s framework. As some theorists point out, they have two roles: a role to determine *the propositions of sentences* and a role to determine *the circumstances of evaluation*.<sup>\*11</sup> For example, the truth-value of a tensed sentence “It is raining” depends upon the context of use, particularly the time when the sentence is used. The question is now: how does it depend? Some theorists—let us call them collectively *indexicalists*—take time to play a role to determine the proposition of “It is raining”, while other theorists—let us call them collectively

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<sup>\*9</sup> See MacFarlane (2009), p. 232; MacFarlane (2014), pp. 78ff.

<sup>\*10</sup> This characterization is different from Kaplan’s, because he uses ‘indexical’ in the sense that the referent of a word depends upon a context of use. See Kaplan (1989a), p. 490.

<sup>\*11</sup> Note that it cannot be the case that the contexts of use determine the circumstances *uniquely* in the case where there is an overlap of worlds or histories. To be precise, then, it may be better to replace ‘the circumstances determined by contexts’ with ‘every circumstance *compatible with* contexts’. See MacFarlane (2014), p. 77.

*nonindexical contextualists*—take time to play a role to determine the circumstances of evaluation. According to indexicalists, the reason for the truth-value of a tensed sentence to vary is that its proposition itself varies with the time of use. If propositions differ, then their truth-values can also differ. Indexicalism thus takes a tensed sentence to be time-indexical in the sense of (8). Nonindexical contextualism, on the other hand, takes it to be time-context-sensitive in the sense of (9); only the truth-value can vary according to the circumstances of evaluation that are specified by the context. Nonindexical contextualists argue that in the case of a tensed sentence we should take into account a time  $t$ , in addition to a world  $w$ , i.e., a pair  $\langle w, t \rangle$  in evaluating the truth-value.<sup>\*12</sup> They thus take the sentence “It is raining” to express a constant or univocal proposition but insist that only its truth-value can be sensitive with regard to the circumstances of evaluation of the context. We can hence generalize these two positions as follows:

- (10) [*Indexicalism*] An expression  $E$  used in a context  $c$  is indexical in the sense that its intension depends upon  $c$  and its extension depends upon the circumstance of evaluation, i.e., a world  $w$ .
- (11) [*Nonindexical Contextualism*] An expression  $E$  used in a context  $c$ , which expresses the same intension in any contexts, is context-sensitive in the sense that its extension depends upon the circumstances of evaluation, i.e., the pair of a world and a time  $\langle w, t, \dots \rangle$ , of  $c$ .

And it is my contention that we can explain and defend Butler's distinction, when applying nonindexical contextualism, i.e., (11), to the expression ‘identity’.

Yet why not (10) but (11)? Because indexicalism about ‘identity’ is hard to accept. Let us recall examples (4) and (5). According to indexicalism, the expression ‘identity’ in children's utterance (4) expresses a completely different intension or relation from that of the expression ‘identity’ in the philosophers' utterance (5), since they are uttered in different contexts, in particular by different agents. This claim would remind us of our familiar question (1), for they have to answer: ‘Yes, there are at least two relations of LI and SI.’ This is, however, arguably an undesirable answer. Of course, it is true that indexicalism about ‘identity’ can solve (3) by answering that each identity-sentence can express different propositions according to the contexts and thus two different propositions, each of which contains LI and SI respectively, can be true without contradiction. But it is at the cost of accepting two different relations of LI and SI, that is, two kinds of identity that indexicalism can solve (3). For nonindexical contextualists, by contrast, there is no such trade-off problem between (1) and (3), because they claim that there is a univocal intension or relation of the expression ‘identity’ in any contexts.

In applying (11) to ‘identity’ or identity-sentences, a question I want to address is this: what are ‘the

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<sup>\*12</sup> Since King (2003), it has been no longer generally accepted to take the circumstances to consist of  $\langle w, t \rangle$ , because tense should be dealt with not by operators but by quantifications. As a matter of convenience (and following Kaplan), however, I take the default circumstances to be  $\langle w, t \rangle$  in this paper.



circumstances of evaluation' in (11)? Clearly the pair  $\langle w, t \rangle$  is not enough; in cases (4) and (5) again, it fails to explain in any way the difference of using the expression 'identity' when the values of these two parameters are the same. In order to shift only the truth-values of identity-sentences, we need to add a new parameter into them, just as temporal nonindexical contextualists (what is called temporalism) add a time  $t$ .

Here our Chisholm/Baxter account, according to which the linguistic distinction between LI and SI derives from there being two standards of counting, would help us facilitate the explanation of expanding the circumstances: evaluating the truth-values of identity-sentences requires us to take the additional parameter in question to be *a standard of counting*  $s$ , where  $s$  is a variable.<sup>\*13</sup> What this amounts to is that, in the case of the expression 'identity', the context of use determines not the intension but the circumstances, one part of which is now taken as a standard of counting. Our nonindexical contextualist approach to 'identity', therefore, spells out (11) as follows:

- (12) [*Nonindexical Contextualism about 'Identity'*] The expression 'identity' used in a context  $c$ , which expresses the same intension in any contexts, is context-sensitive in the sense that its extension depends upon the circumstances of evaluation,  $\langle w, t, s \rangle$ , of  $c$ .

At the level of sentences, it is suggested in (12) that we need rich circumstances consisting not only of a world and a time but also of a standard of counting, which is fixed by the context in which an identity-sentence including LI or SI is uttered and is met appropriately when we take such an utterance as true. To illustrate it, let us return to (4) and (5). The relevant standard of counting which the children, the speakers in (4), make use of in that context is relatively loose in the sense of our common and popular way of counting up ordinary things. Since the standard is so easy to meet that the object denoted by 'the river' and 'the river we took a dip in yesterday' is successfully counted up as one, it turns out that their utterance "The river is *identical* with the river where we took a dip yesterday" becomes true. The relevant standard which the philosophers make use of in that context is, on the other hand, relatively strict in the sense of fine-grained but unusual or different way of counting than normally supposed. Following this standard, the objects denoted by 'the river' and 'the river we took a dip yesterday' are counted not as one but as two. That is why the philosophers' utterance "The river is *not identical* with the river where I took a dip yesterday" also becomes true. In general,  $\ulcorner \alpha \text{ is identical with } \beta \urcorner$ , to which SI is attributed, counts as true when the relevant strict and fine-grained standard of counting, which is specified by the context of use of SI, is met by objects denoted by  $\alpha$  and  $\beta$  at the contextually determined world and time, whereas  $\ulcorner \alpha \text{ is identical with } \beta \urcorner$ , to which LI is attributed, counts as true when the relevant loose and common standard is met by

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<sup>\*13</sup> Specific examples of nonstandard parameters include: *a standard of precision*, *a judge* or *a perspective*. See Lewis (1983), pp. 244f.; Brogaard (2008); Kölbel (2004).

objects denoted by  $\alpha$  and  $\beta$ .<sup>\*14</sup>

Hence on the picture I suggest, the truth-condition of identity-sentences can be described as follows:

- (13) [*The Truth-Condition of Identity-Sentences*] A sentence ' $\alpha$  is identical with  $\beta$ ' is true at a context  $c$  if and only if in the circumstances  $\langle w, t \rangle$  of  $c$ , the objects denoted by  $\alpha$  and  $\beta$  meet a standard of counting  $s$  of  $c$ .

It is important to understand two aspects of (13): one is that it is a claim which is essentially based upon Chisholm/Baxter's earlier points and the other is that it can provide good grounds for an answer to the second question of (2) at issue. The proposition expressed by an identity-sentence including LI uttered in a given context can have truth in the way that a loose standard of counting, which is affected by the context, is met. And since (13) develops out of Chisholm/Baxter's account, it can give the same appropriate answers to (1) and (3) as our hybrid claim. Now there are no longer difficulties or troubles in answering our main three questions (1) to (3), so that the nonindexical context-sensitivity of 'identity' would give a new semantic perspective on the proper understanding of Butler's distinction, with the help of Chisholm/Baxter's account. To put it plainly, it is on the ground of (12) and (13) that Butler could have established a defense of his distinction.<sup>\*15</sup>

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<sup>\*14</sup> What is interesting is Baxter's contention that "[w]hat loose identity is depends on the things talked about and the purposes of the talkers" (Baxter (2001), p. 593; see also Kompa (2002), p. 9). This dependence means that our context of use should be interpreted as a very broad one, i.e., a pragmatic context. Of course, it cannot be denied that the aim of conversation and the speaker's interests can influence the propositions of LI-sentences, their truth-values, or the standards of counting. However, I am not certain how they can. Even if taking the perspective of *truth-conditional pragmatics* can help us, it would add much complexity. That is why, following Kaplan, I take a context of use to be a narrow one, i.e., a set of parameters, whose role is limited to the semantic interpretations of *indexical* or *context-sensitive* components in sentences. See Kaplan (1989a), p. 543.

<sup>\*15</sup> Two objections to our (general) nonindexical contextualism can be made: one is that there is no sentential operator to shift the standards of counting, and the other is that nonindexical contextualism distinguishes a proposition truth from an utterance truth (see MacFarlane (2009), pp. 243ff.). The former is not feasible, however, because it is not clear whether the existence of operators means the possible addition of parameters. The latter objection, on the other hand, may seem to be strong; it is generally supposed that a proposition truth and an utterance truth are the same. But why do nonindexical contextualists distinguish them? The reason is that they in fact replace the principle 'An utterance of a sentence  $S$  at  $c$  is true if and only if the proposition expressed by  $S$  at  $c$  is true' with the following principle: 'An utterance of  $S$  at  $c$  is true if and only if the proposition expressed by  $S$  at  $c$  is true at the circumstance of  $c$ '. Nonetheless, this replacement would cause no serious problem for nonindexical contextualism, because it is not uncommon to distinguish a sentence from its utterance; a proposition of the sentence "I don't say anything", for instance, can be true at some contexts, but its *utterance* cannot be true at any contexts (see Kaplan (1989b), p. 584. Note, however, that he interprets utterances as belonging to pragmatics). Francois Recanati, who is a friend of nonindexical contextualism, also accepts the distinction between two kinds of contents: one is called *the lekton*, which is a function from possible worlds to truth-values and thus is related to a proposition truth, and the other is called *the Austinian proposition*, which includes the *lekton* and its circumstances of evaluation and thus is related to an utterance truth. He says "If we evaluate the lekton abstractly, we get verdict; if we evaluate the full Austinian proposition, we get another verdict" (Recanati (2007), p. 50).

## 4 Concluding Remarks with Some Suggestions

To sum up the foregoing, here is how I defend Butler's distinction. First, the contexts of using SI are different from those of using LI. Second, such differences, in virtue of the nonindexical context-sensitivity of the expression 'identity', can be taken as reflected in a shift of the circumstances  $\langle w, t, s \rangle$  such that the truth-values of identity-sentences are evaluated at a world  $w$ , a time  $t$ , and a standard of counting  $s$ . Third, the standard in the case of LI is loose and thus easy to meet, while the standard in the case of SI is strict and thus hard to meet. Thus understood, finally, many uses of the expression 'identity', such as LI and SI are accompanied by the univocal intension in any contexts, whose extensions are relative to standards of counting.

Now, before reflecting upon the implications that the proposed analysis carries, let me answer the following two questions to be posed to the analysis: "What is a standard of counting like?" and "What is the proposition of an identity-sentence like as a whole?".<sup>\*16</sup> My answers to both questions would be tentative and rough suggestions in need of further clarification, but they are surely worth noting.

To the former question, first, it seems to me that a clue to the answer is offered by the idea of *sortal concepts*. Though not always, counting is often involved with sortal concepts or sortals in virtue of which equivalence relations to count by are given.<sup>\*17</sup> In short, the point for counting up things is often closely tied to what kinds or sortals such things belong to. For instance, the sortal concept 'river' provides us with the equivalence relation of 'having the same water source' by which the utterers count up the rivers as one in (4), whereas the sortal concept 'sum of water molecules' provides us with the equivalence relation of 'having the same components' by which the utterers count up the rivers as two in (5). If the river of today had a different water source from the river of yesterday, not only (5) but also (4) would be taken as false because the rivers are never counted as one in any way due to the fact that the relation given by a river no longer holds between them. So there are at least two answers to the question "How many things are there between today and yesterday in our example?": there is just one river that our children bear in mind in uttering (4), or there are an infinite number of water molecules that the philosophers bear in mind in uttering (5). This suggests that a standard of counting is the one which is imposed on occasion upon circumstances of evaluation by a given sortal concept that matters in the context.<sup>\*18</sup>

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In addition, since the distinction between a proposition truth and an utterance truth would make a natural distinction between a *sentence type* and a *sentence token*, the distinction between them is needed.

<sup>\*16</sup> I am grateful to Professor Tatsuya Kashiwabata and Professor Takashi Yagisawa for their posing the former question.

<sup>\*17</sup> This view is suggested by Gottlob Frege. See Frege (1884), §22.

<sup>\*18</sup> Note that there are at least two concerns about the relationship between sortals and counting. First, sortals are very vague concepts; 'water', which appears to be the most typical example of sortals, is one of the borderline cases because the usual modifiers are mass terms. Second, counting does not always rely upon sortals; the comprehension of a number

Second, my answer to the latter question might look a bit tricky. As can be seen from (12), the expression 'identity' whose intension is a single or univocal relation in any contexts varies in the extension over the newly proposed parameter, that is a standard of counting. It follows from this that two utterances to which LI and SI are attributed in the contexts  $c_1$  and  $c_2$  respectively have the same relation of 'identity', though they talk about the different ordered pairs, depending upon what sortal concepts are assumed in  $c_1$  and  $c_2$ . To take our example, (4) actually says of the object belonging to a river that it is counted as only one, while (5) says of the objects belonging to a sum of water molecules that they are never counted as one. In other words, what (4) seems to convey, on the one hand, is that it is between the one river and itself that identity holds for today and yesterday, but what (5) seems to convey, on the other hand, is that it is between the sum of water molecules of today and the one of yesterday that identity hardly holds. This crucial difference between the extensions or ordered pairs would require us to deny that there is a genuine disagreement between the utterers in (4) and (5). According to (12), instead, there is no such disagreement between them, since the relata present in the propositions expressed by (4) are very different from the ones present in the propositions expressed by (5). So we can characterize in general what the proposition of an identity-sentence is like in the following description: it shares the same intension or relation of 'identity' in any contexts, but it is related to the various extensions or ordered pairs as the relata of 'identity' depending upon various contextually determined sortal concepts.

Is this a consequence to bite the bullet for the adherent of (12)? Not necessarily. As some theorists such as David Wiggins and E. J. Lowe point out, the object instantiated by a certain sortal concept  $F$ , such as a river, is not *identical with* but *constituted of* the objects instantiated by the other concept  $G$  which is different from  $F$ , such as a sum of water molecules.<sup>\*19</sup> According to them, since the way in which two rivers count as identical or one is very different from the way two sums of water molecules count as identical or one, they cannot be identical, even if they occupy the same space and time. The view, which is often called 'the constitution view', can be formulated as follows:

- (14) There are  $x, y, z$ , and  $w$  such that (a) both  $x$  and  $y$  belong to  $F$  and both  $z$  and  $w$  belong to  $G$ , (b)  $x$

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of things by use of *object files* does not seem to need some help of sortals. It is then questionable to take into account only sortals when a standard of counting is met. For the above reasons, I am not reluctant to connect sortals with standards of counting, although they do not necessarily seem to be enough for counting.

<sup>\*19</sup> See Wiggins (2001), pp. 36ff.; Lowe (2009), p. 77ff. It should be noted that there is a main difference between my position and the position shared by Wiggins and Lowe (and Geach). According to them, offering a standard of counting is supposed to be just a sufficient condition of a concept being a sortal concept  $F$ . Some sortals, such as gold, a crystal and an amoeba, cannot provide a standard of counting because it is difficult to count up their instance. It is not a standard of counting but a *criterion of identity* that they associate with sortal concepts (See Wiggins (2001), pp. 60f.; Lowe (2009), pp. 12ff.; Geach (1962), pp. 39f.; for details, see also Yokoro (2016)). In typical cases such as a river and a field, however, since they do not deny that sortal concepts offer a standard of counting, the difference between me and them should not be taken seriously. So I am ignoring the difference at this point.

is identical with  $y$  and  $z$  is not identical with  $w$ , and (c)  $x$  is not identical with but constituted of  $z$  and  $y$  is not identical with but constituted of  $w$ .

where  $x$ ,  $y$ ,  $z$ , and  $w$  express particular objects and  $F$  and  $G$  express sortal concepts. As I see it, my semantic theory about the expression ‘identity’ would fit well with this kind of analysis. The reason is that the propositions of (4) and (5) are in line with the elements of (b) in (14) respectively, whereas the fact that the extension of ‘identity’ in (4) is different from the extension of ‘identity’ in (5) is explained by (c) in (14). In a nutshell, (14) would play the role of setting the ontological grounds for the semantic theory of (12).

It is still questionable, to be sure, how the definite description ‘the river where we took a dip yesterday’ could denote the two different objects instantiated by a river and a sum of water molecules respectively, and what the relation of ‘constitution’ holding between them is like.<sup>\*20</sup> What I would like to suggest here, however, are the following two points: one point is that the combination of the nonindexical context-sensitivity of ‘identity’ with the constitution view is very coherent, and the other point is that if you can appeal to (14), it is possible to provide a convincing explanation for the fact that (4) and (5) talk about the different extensions or ordered pairs, and despite appearances, (4) does not conflict with (5). Therefore, it seems to me that the claim about the proposition of an identity-sentence resulting from (12) is not necessarily an undesirable consequence to bite the bullet, given that (14) obtains.

In closing the paper, I would like to indicate two implications of my defense of Butler’s distinction for theorists working on the problems concerning some sort of identity, such as relative identity, composition as identity, diachronic identity and so on.

1. *What is relative to sortal concepts?* Some philosophers have tried to champion what is called *relative identity theory*. Peter T. Geach, the most famous relativist, has argued that identity must be relativized to a sortal concept  $F$  such that some count noun which stands for  $F$  is “supplied from the context of utterance”.<sup>\*21</sup> So unless we add or understand some sortal concept, “it makes no sense to judge whether  $x$  and  $y$  are ‘the same’, or whether  $x$  remains ‘the same’”.<sup>\*22</sup> Against the relativism of the sort Geach described, however, Wiggins and Lowe have argued in favor of their constitution view, as noted above, according to which the two particulars, which belong to very different sortal concepts from each other but occupy the same space and time, stand in the relation of constitution. They claim that this view is compatible with the absoluteness of identity and thus it is not identity per se but the particulars or instances of sortal concepts that is relativized to such concepts. But here we should pay more attention to the common ground among Geach and Wiggins and Lowe, rather than to the difference. The common point is

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<sup>\*20</sup> A possible explanation for the former problem is that the use of definite description in (5) should be interpreted as a Donnellanian referential use of descriptions, though this point is unfortunately beyond the scope of this paper.

<sup>\*21</sup> Geach (1972), p. 238. This point is clearly compatible with my claim that the circumstances of evaluation, part of which is the standards of counting, is affected by *the contexts of use*.

<sup>\*22</sup> Geach (1962), p. 39.

that identity-judgments require sortal concepts. It seems to me that this attractive idea turns out to be worth defending by reconstructing it as follows: the truth-value of an identity-sentence uttered in a context  $c$  is relative to a sortal concept  $F$  such that  $c$  supplies  $F$  and  $F$  gives the value of a standard of counting  $s$  embedded in the circumstances of evaluation. It is true that this semantic relativism based upon nonindexical contextualism about 'identity' may fail to have enough in common with Geach's own position. But they are in the same boat in that both relativisms claim that identity-judgments require, whether always or often, sortal concepts supplied by the contexts for their truths. The proposed semantic relativism can, I have argued, keep identity univocal in any contexts, like Wiggins and Lowe and unlike Geach (in this respect, Geach's relativism may be closer to indexicalism about 'identity' than to nonindexical contextualism), but can make the truth-value of an identity-sentence relative to a given sortal concept like Geach, Wiggins and Lowe. In being semantically motivated, we can thus construe the common ground between Geach's relativism and the constitution view as having close ties with a form of nonindexical contextualism about 'identity' associated with a sortal-relative counting.

2. *Can identity-sentences such as "as is identical with  $\beta$ " to which LI is attributed count as true? If they can, what are their truth-makers?* It would be little wonder that the points so far holds equally true of what is called composition as identity, diachronic identity, or personal identity. In particular, composition as identity holding between objects denoted by  $\alpha$ s and  $\beta$ , where  $\alpha$ s is a metalinguistic plural variable and  $\beta$  is a singular metalinguistic variable, turns out to be worth defending, analogously to the case of relative identity, by reconstructing it as follows: the utterance of the form of "as is identical with  $\beta$ " has the same relation of 'identity' in any contexts, whereas in many cases the truth-value can vary according to a standard of counting subject to sortal concepts determined by the context. For example, "The six plots are identical with the farmer's field" would count as true when a standard of counting is given not by 'plot' but by 'field' in evaluating the utterance and the object belonging to a field is counted as one according to such a standard. If the standard of counting given by the concept 'field' can be taken as a loose and common one, composition as identity would, as David Lewis puts it, deserve to be called "identity in the broadened sense",<sup>\*23</sup> which is nothing less than, in my usage, LI, i.e., identity in the loose sense. Moreover, this form of composition as identity would entail the 'ontological innocence of mereology', by which Lewis means that "if you are already committed to some things, you incur no further commitment when you affirm the existence of their fusion".<sup>\*24</sup> The reason is, as already mentioned, because the proposition of the form of "as is identical with  $\beta$ ", shares the same intension or relation of 'identity', which indicates that identity holds between objects denoted by  $\alpha$ s and  $\beta$ . Hence there is no need for us to deny composition as identity. Nor is there any need for us to take the utterances of the form of "as is identical with  $\beta$ " as systematically false. This would also render explicable the following conviction: only the relata are good enough from an

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<sup>\*23</sup> Lewis (1991), p. 85.

<sup>\*24</sup> *Ibid.*, pp. 81f.

ontological point of view, in order for identity-sentences, such as “The six plots are identical with the farmer’s field” or “The sapling in the past is identical with the tree in the present” or “The person with some memories is identical with the person without such memories” to be taken as true, given that it is the case that identity is an internal relation whose ontological commitment is “free lunch”.<sup>\*25</sup> In short, all truth-makers required to make a sentence including the expression ‘identity’ used in a context true would be the extensions of ‘identity’, which often vary greatly according to sortal concepts given by the context. The issues of composition such as identity, ontological innocence, and truth-makers are, of course, open to debate and need to be investigated further. But my proposal hopefully offers a chance to shed light on the following questions: whether identity-sentences such as  $\ulcorner \alpha \text{ is identical with } \beta \urcorner$  can count as true and if they can, whether only the extensions of ‘identity’ are just required for their truth-makers. As outlined above, I think they can be answered affirmatively.

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<sup>\*25</sup> Armstrong (1989), p. 56. However, the claim that identity is an internal relation can be refuted (see Yokoro (2014)), although I defend the contention which is taken for granted implicitly here.

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